

Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611



Regular Board Meeting Minutes

Thursday, June 16, 2011

10:00 AM

Board Room

Board of Commissioners

Commissioner Michael A. Alvarez, Commissioner Frank Avila, Commissioner Patricia Horton, Vice- President Barbara J. McGowan, Commissioner Kathleen Therese Meany, Chairman of Finance Cynthia M. Santos, Commissioner Debra Shore, Commissioner Mariyana T. Spyropoulos, President Terrence J. O'Brien

THE FOLLOWING PROCEDURES WILL GOVERN THE MEETING PROCESS:

- 1. Board Members who vote "Nay, Present, or Abstain" or have a question on any item may request the item be removed from the Consent Agenda.**
- 2. Citizens in the audience who address the Board on any item may request the item be removed from the Consent Agenda.**
- 3. Items removed from the Consent Agenda are considered separately.**
- 4. One roll call vote is taken to cover all Consent Agenda Items.**

Call Meeting to Order

President Terrence J. O'Brien presiding, called the meeting to order at 10:00 a.m.

Roll Call

Present: 9 - Michael A. Alvarez; Frank Avila; Patricia Horton; Barbara J. McGowan; Kathleen Therese Meany; Cynthia M. Santos; Debra Shore; Mariyana T. Spyropoulos; and Terrence J. O'Brien

Approval of Previous Board Meeting Minutes

A motion was made by Debra Shore, seconded by Kathleen Therese Meany, that the minutes from the last meeting be approved without having to read them into the record. The motion carried by acclamation. Chorus of ayes - No nays

Recess and Reconvene as Committee of the Whole

A motion was made by Debra Shore, seconded by Patricia Horton, to recess and reconvene as a committee of the whole. The motion carried by acclamation. Chorus of Ayes - No Nays

Recess and Reconvene as Board of Commissioners

At 12:50 p.m. President O'Brien reconvened the regular board meeting to order

Finance Committee

Report

- 1 [11-0767](#) Report on investments purchased during April 2011

 Attachments: [Inv Purch 2011-04 att.pdf](#)

 Published and Filed
- 2 [11-0768](#) Report on the investment interest income during April 2011

 Attachments: [Inv Int Inc 2011-04 att.pdf](#)

 Published and Filed
- 3 [11-0769](#) Report on payment of interest for outstanding District bonds due on June 1, 2011

 Attachments: [DS 2011-06 att.pdf](#)

 Published and Filed

Procurement Committee

Report

- 4 [11-0754](#) Report of bid opening of Tuesday, June 7, 2011

Published and Filed

Authorization

- 5 [11-0756](#) Authorization to amend Board Order of April 21, 2011, regarding authority to advertise Contract 11-753-11 Contract Farming Services at the Hanover Park Water Reclamation Plant, estimated cost \$330,000.00, Account 101-67000-612520/612530, Requisition 1318901 (*As Revised*) Agenda Item No. 19, File No. 11-0523

Approved

- 6 [11-0773](#) Authorization to exercise the option to extend the agreement for Contract 08-RFP-14 to Provide Retiree Health Trust Investment Consulting Services with ICMA Retirement Corporation for an additional Twelve (12) Month Period

Approved

- 7 [11-0775](#) Authorization to amend Board Order of October 21, 2010 for Authority to Advertise Contract 10-468-11, Furnish and Deliver Forty-Seven (47) Multi-Functional Photocopier Devices and a Four (4)-Year Repair Service, Supplies, and Maintenance Agreement at Various District Locations, Accounts 101-27000-634810, 612810, Requisition 1313308, Agenda Item No. 19, File No. 10-1257

Approved

- 8 [11-0779](#) Authorization to increase cost estimate for Project 08-530-3P Digester Facility Improvements, Hanover Park and Egan Water Reclamation Plants (WRP), in an amount of \$3,500,000.00 from an amount of \$4,000,000.00 to an amount not to exceed \$7,500,000.00, under the Capital Improvements Program and Capital Improvements Bond Fund, Account 401-50000-645750

Approved

Authority to Advertise

- 9 [11-0753](#) Authority to advertise Contract 11-774-11 Furnish, Deliver and Apply Anti-Slip Coating to Floors at the Hanover Park Water Reclamation Plant, estimated cost \$17,000.00, Account 101-67000-612680, Requisition 1322962

Approved

- 10 [11-0757](#) Authority to advertise Contract 11-863-11 Pavement Improvement and Maintenance in the Calumet Service Area, estimated cost \$302,000.00, Accounts 101-66000/68000-612420, Requisitions 1312483 and 1315271
Approved
- 11 [11-0761](#) Authority to advertise Contract 11-901-11 Furnish and Deliver One Medium Voltage Vacuum Circuit Breaker to the Stickney Water Reclamation Plant, estimated cost \$78,000.00, Account 101-69000-623070 Requisition 1320370
Approved
- 12 [11-0770](#) Authority to advertise Contract 11-030-11 Furnish and Deliver Miscellaneous Lubricants to Various Locations for a One (1) Year Period, estimated cost \$125,000.00, Account 101-20000-623860
Approved
- 13 [11-0771](#) Authority to advertise Contract 11-049-11 Furnish and Deliver Work Gloves to Various Locations for a One (1) Year Period, estimated cost \$49,500.00, Account 101-20000-623700
Approved
- 14 [11-0772](#) Authority to advertise Contract 11-655-11 Manhole Repairs at Various Service Areas, estimated cost \$170,000.00, Accounts 101-67000/68000/69000-612600, Requisitions 1319783, 1320690 and 1320060
Deleted by the Acting Executive Director

Issue Purchase Order

- 15 [11-0747](#) Issue purchase order and enter into an agreement for Contract 10-RFP-15 Local and Long Distance Telephone Service, with SBC Global Services, Inc., d/b/a AT&T Global Services, Inc., in an amount not to exceed \$900,000.00, Account 101-27000-612210, Requisition 1318600
Mariyana T. Spyropoulos lifted her earlier deferral
Approved
- 16 [11-0748](#) Issue purchase order and enter into an agreement for Contract 10-RFP-08 Broadband Internet Access Services, with AT&T Corporation, in an amount not to exceed \$359,001.60, Account 101-27000-612210, Requisition 1308510 (Deferred from Board Meeting of June 2, 2011)
Mariyana T. Spyropoulos lifted her earlier deferral.

Motion made by Mariyana T. Spyropoulos, seconded by, Cynthia M. Santos that the deferral be lifted. The motion carried by roll call vote: 7:0, 1-absent
Approved

- 17 [11-0759](#) Issue purchase order and enter into an agreement with the University of Illinois at Chicago for a Greenhouse Gas Monitoring Study, in an amount not to exceed \$39,518.00, Account 101-16000-601170, Requisition 1324212
Approved
- 18 [11-0774](#) Issue a purchase order and enter into an agreement with Mid-America Dynamics, Inc., for engineering services for Contract 10-238-1M TARP Pump Station Pump and Pipe Movement Monitoring, Calumet Water Reclamation Plant, in an amount not to exceed \$65,700.00, Account 101-50000-601410, Requisition 1324549
Deleted by the Acting Executive Director
- 19 [11-0778](#) Issue a purchase order and enter into an agreement with Flood Testing Laboratories, Inc., for testing and inspecting concrete and other construction materials for various construction projects, in an amount not to exceed \$890,000.00, Accounts 101-50000-612240, 201-50000-612240, and 401-50000-612240, Requisition 1322647
Approved
- 20 [11-0793](#) Issue purchase order and enter into an agreement with the firm of Beveridge & Diamond, P.C., to represent the Metropolitan Water Reclamation District of Greater Chicago in connection with *Natural Resources Defense Council, Inc. et al. v. Metropolitan Water Reclamation District of Greater Chicago*, Case No. 11-CV-2937, in an amount not to exceed \$350,000.00, Account 101-30000-601170, Requisition 1321698 (*Deferred from the May 19, 2011 Board Meeting and June 2, 2011 Board Meeting*)

Attachments: [B&D P.O. Req.-5.19. 6.2.11. 6.16.11.pdf](#)

Approved

Award Contract

- 21 [11-0746](#) Authority to award Contract 11-690-11, Beneficial Reuse of Biosolids From LASMA, CALSMA, and the Egan Water Reclamation Plant, Group A, to Stewart Spreading, Inc., in an amount not to exceed \$11,620,000.00, and Groups B and C, to Stewart Spreading, Inc., in an amount not to exceed \$3,557,000.00, Accounts 101-66000, 67000-612520, Requisitions 1312393, 1312402, and 1314469

Attachments: [APP D 11-690-11](#)

Approved

- 22 [11-0755](#) Authority to award Contract 06-154-3S, Summit Conduit Rehabilitation, SSA, to Di Paolo Company, in an amount not to exceed \$1,943,477.00, Account 401-50000-645700, Requisition 1282811

Attachments: [APP D 06-154-3S.pdf](#)

Approved

Increase Purchase Order/Change Order

- 23 [11-0749](#) Authority to increase purchase order and amend agreement for Dykema Gossett PLLC, to represent the District in the lawsuit of Metropolitan Water Reclamation District of Greater Chicago v. Terra Foundation et al., Case No. 06-CH-13817, involving the District's interest in the alley adjacent to its Main Office Building (100 East Erie Street) in an amount of \$800,000.00, from an amount of \$2,760,000.00, to an amount not to exceed \$3,560,000.00, Account 101-30000-601170, Purchase Order 3054932

Attachments: [06-16-11 Dykema Gossett PLLC.pdf](#)

Approved

- 25 [11-0765](#) Authority to increase purchase order and amend the agreement with LimnoTech for Contract 07-RFP-34, Chicago Area Waterway System Habitat Evaluation and Improvement Study, in an amount of \$33,210.00 from an amount of \$1,104,658.00 to an amount not to exceed \$1,137,868.00, Account 401-50000-601170, Purchase Order 3050234

Attachments: [LimnoTech Board Letter June 16, 2011.pdf](#)

Approved

- 24 [11-0750](#) Authority to increase purchase order and amend the agreement with Deutsch, Levy & Engel LLC, for legal services in representing the District in an environmental remediation action against Nicor/ComEd for District property at Oakton Street and McCormick Boulevard in Skokie, Illinois, in an amount of \$85,000.00, from an amount of \$511,380.34, to an amount not to exceed \$596,380.34, Account 901-30000-667220, Purchase Order A84545

Attachments: [06-16-11 Deutsch Levy Engel LLC.pdf](#)

Approved

- 26 [11-0766](#) Authority to decrease purchase order and amend the agreement with Rodney Hunt Company to furnish and deliver spare parts and provide repair services for Allis Chalmers Cone Valves at the Mainstream Pumping Station, in an amount of \$68,880.00, from an amount of \$202,000.00, to an amount not to exceed \$133,120.00, Account 101-69000-612600, Purchase Order 3055475

Attachments: [Rodney Hunt Co. 3055475.pdf](#)

Approved

- 27 [11-0776](#) Authority to decrease Contract 04-125-3S (Re-Bid) Upper Des Plaines Pumping Station Rehabilitation and TARP Connection, Stickney Service Area, to F.H. Paschen/S.N. Nielsen and Associates LLC, in an amount of \$38,610.00, from an amount of \$10,312,740.90, to an amount not to exceed \$10,274,130.90, Accounts 401-50000-645600 and 645700, Purchase Order 5000812

Attachments: [CO 04-125-3S.pdf](#)

Approved

- 28 [11-0777](#) Authority to increase Contract 07-220-3P Primary Settling Tanks and Grit Removal Facilities, Calumet Water Reclamation Plant, to F.H. Paschen/S.N. Nielsen/IHC Construction Joint Venture, in an amount of \$117,029.00, from an amount of \$232,212,217.79, to an amount not to exceed \$232,329,246.79, Account 401-50000-645650, Purchase Order 5000954

Attachments: [CO 07-220-3P.pdf](#)

Approved

Budget & Employment Committee

Authorization

- 29 [11-0785](#) Authority to transfer 2011 departmental appropriations in the amount of \$150,000.00 in the Corporate Fund

Attachments: [06.16.11 Board Transfer BF5.pdf](#)

Deferred by Michael A. Alvarez

Engineering Committee

Report

- 30 [11-0780](#) Report on the status of the agreement entered into between the District and Hanson Material Service for the mining of the required "Rough Hole" for the Thornton Composite Reservoir

Published and Filed

- 31 [11-0784](#) Report on change orders authorized and approved by the Director of Engineering during the months of April and May 2011

Attachments: [CO April & May.pdf](#)
 [CO Status.pdf](#)

Published and Filed

Industrial Waste & Water Pollution Committee

Authorization

- 32 [11-0762](#) Authority for the Board of Commissioners to review the request by Atotonilco #2, Inc. for the Facility Located at 1707 West 47th Street, Chicago, Illinois, for Review by the Board of Commissioners of the 2009 User Charge Liability Determinations Made by the Acting Director of Monitoring and Research-Appeal No. 11B-002

Frank Avila made a motion to select option 2, designate a person to conduct such a hearing on behalf of the Board in accordance with Section 9 of the Ordinance.

A motion was made by Cynthia M. Santos, seconded by Frank Avila, that this Agenda Item be Approved. The motion carried by the following roll call vote:

Aye: 7 - Michael A. Alvarez, Frank Avila, Patricia Horton, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Terrence J. O'Brien

Present: 1 - Mariyana T. Spyropoulos

Absent: 1 - Barbara J. McGowan

Judiciary Committee

Authorization

- 33 [11-0745](#) Authority to settle the Workers' Compensation claim of Henry Rooy vs. MWRDGC, Case No. 11 WC 00393, Illinois Workers' Compensation Commission, in the sum of \$46,251.22, Account 901-30000-601090

Approved

- 34 [11-0751](#) Authority to settle eminent domain lawsuit entitled The Metropolitan Water Reclamation District of Greater Chicago v. Apostolic Faith Church Case No. 08 L 50754 in the additional amount of \$35,000.00, Account 401-50000-667340

Attachments: [06-16-11_MWRD v. AFC.pdf](#)

Approved

Maintenance & Operations Committee

Reports

- 35 [11-0752](#) Report on change orders authorized and approved by the Director of Maintenance and Operations during the month of May 2011.

Attachments: [Change orders for May 2011.pdf](#)

Published and Filed

Pension, Human Resources & Civil Service Committee

Authorization

- 36 [11-0743](#) Requesting policy direction regarding benefits for employees in civil unions

A motion was made by Debra Shore, seconded by Mariyana T. Spyropoulos, that this Agenda Item be Approved. The motion carried by the following roll call vote:

Aye: 8 - Michael A. Alvarez, Frank Avila, Patricia Horton, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

Absent: 1 - Barbara J. McGowan

Real Estate Development Committee

Authorization

- 37 [11-0790](#) Authorize the Village of Worth to conduct its annual Worth Days festival from August 5-7, 2011, on approximately 20 acres of its leasehold property located at 115th Street and Oketo Avenue in Worth, Illinois, Cal-Sag Channel Parcel 8.06. Consideration shall be a nominal fee of \$10.00

Attachments: [06-16-11_Village of Worth.pdf](#)

Approved

- 38 [11-0791](#) Authority to commence negotiations with the Housing Authority of Joliet for the sale of Main Channel Parcels 9.02, 9.03, 9.04 and 9.05 comprising approximately 16.46 acres of District land located in Will County

Attachments: [06-16-11_JHA.pdf](#)

Approved

- 39 [11-0792](#) Issue orders authorizing an amendment to an easement granted to the U. S. Army Corps of Engineers (1) extending the easement for one-year to allow for the continued operation, construction, repair and maintenance of an electrical barrier system north of 135th Street in Will County, Illinois, and (2) allowing for the continued placement of fencing and signage upon Main Channel Parcels 18.03, 19.01, 19.02 and 19.04. Consideration shall be a nominal fee of \$10.00

Attachments: [06-16-11_ACOE.pdf](#)

Approved

Stormwater Management Committee

Authorization

- 41 [11-0786](#) Request for approval to initiate final design for a portion of Project MTCR-G2 of the Little Calumet River Detailed Watershed Plan

Approved

- 42 [11-0787](#) Request for approval to suspend work on flood control projects LCRW-G5 and THCR-G2 of the Little Calumet River Detailed Watershed Plan

Approved

Approval of the Consent Agenda with the exception of Items: 14, 18, 29, 32, 36, 40, 43 and 44

A motion was made by Cynthia M. Santos, seconded by Kathleen Therese Meany, to Approve the Consent Agenda. The motion carried by the following roll call vote:

Aye: 8 - Michael A. Alvarez, Frank Avila, Patricia Horton, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

Absent: 1 - Barbara J. McGowan

Miscellaneous and New Business

Motion

- 40 [11-0788](#) MOTION to appoint Kevin J. Fitzpatrick as Lobbyist for the Metropolitan Water Reclamation District of Greater Chicago *(As Revised)*
- A motion was made by Cynthia M. Santos, seconded by Kathleen Therese Meany, that this Motion be Adopted. The motion carried by the following roll call vote:**
- Aye:** 8 - Michael A. Alvarez, Frank Avila, Patricia Horton, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien
- Absent:** 1 - Barbara J. McGowan

Additional Agenda Items

- 43 [11-0794](#) RESOLUTION sponsored by the Board of Commissioners recognizing Kevin J. Fitzpatrick's exemplary service as Acting Executive Director
- A motion was made by Patricia Horton, seconded by Cynthia M. Santos, that this Resolution be Adopted. The motion carried by acclamation. Chorus of ayes - No nays**
- 44 [11-0795](#) MOTION to adopt policy capping the hourly rate of outside counsel retained to represent the Metropolitan Water Reclamation District of Greater Chicago on all future matters
- Deleted by the Acting Executive Director**

Meeting Summary**Speakers**

None

Summary of Requests

Ronald M. Hill

Barbara J. McGowan requested a copy of of the survey taken to determined the cap amount. (Re: Miscellaneous & New Business Item #44)

Keith Smith

Michael A. Alvarez requested that the report on broadband internet services be distributed to the board (Re: Procurement Item #16)

Study Session

Patricia Horton requested a study session to discuss energy costs.

Debra Shore requested a study session be held after the Consent Decree is finalized, to discuss the progress and operations of TARP.

Frank Avila requested a study session to discuss costs of projects.

Announcements

None

Board Letter Submission Dates

The next regular board meeting is scheduled for July 14, 2011, please prepare and submit Board items before the following absolute cutoff dates.

Date agenda items are due to the Director of Procurement and Materials Management for signature and preparation: Noon, Friday, July 1, 2011

Date Board letters are due to the Executive Director: 1:00 p.m., Thursday, July 7, 2011

Adjournment

A motion was made by Cynthia M. Santos, seconded by Patricia Horton, that when the Board adjourns it adjourns to meet on Thursday, July 14, 2011, at 10:00 a.m. and that today's meeting be adjourned. The motion carried by the following roll call vote:

/s/ Jacqueline Torres, Clerk

Aye: 8 - Michael A. Alvarez, Frank Avila, Patricia Horton, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

Absent: 1 - Barbara J. McGowan

APPROVAL:

In accordance with the provisions of 70ILCS 2605/4, each of the foregoing agenda items duly adopted by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago this June 16, 2011 are hereby approved.

APPROVED:

/s/ Terrence J. O'Brien

President Board of Commissioners of the
Metropolitan Water Reclamation District of Greater Chicago

June 16, 2011